

Remarks

Further and favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

Initially, with regard to the Examiner's comments concerning the Information Disclosure Statement on page 2 of the Office Action, Applicants note that the Examiner has previously initialed all of the references submitted with Applicants' IDS of January 6, 2006 and the IDS of January 31, 2007. It is assumed that the Examiner would have considered the information submitted with both IDS's, otherwise she would not have initialed those references. In addition, although the Examiner states that the references which have been crossed out on the forms attached to the current Office Action do not have an English translation provided therewith, and do not present a statement of relevance, Applicants note that, according to MPEP 609.04(a), Section III, the requirement for a concise explanation of the relevance of a non-English language reference can be satisfied by the explanation of the reference in the specification, an English language abstract or an English language search report. These are the bases on which Applicants rely for a concise explanation of the relevance of the references, as apparent from item 4 of each IDS.

The claims have been amended in response to the claim objections set forth by the Examiner beginning on page 2 of the Office Action, as well as the rejections of the claims under the first and second paragraphs of 35 U.S.C. §112 on pages 3-4 of the Office Action, as a result of which these objections and rejections have been rendered moot.

In this regard, as noted by the Examiner, reference to the fiber-shaped polymer in amended claim 1 is supported by the disclosure on page 23 of the specification. The language concerning the cross-linked structure of the polymer is taken from claim 10, as a result of which claim 10 has been cancelled. The amino acid derivatives recited in amended claim 1 are taken from paragraph [0027] of the specification.

The patentability of the presently claimed invention over the disclosures of the references relied upon by the Examiner in rejecting the claims will be apparent upon consideration of the following remarks.

Initially, the rejection of claim 1 under 35 U.S.C. §102(b) as being anticipated by Kausch et al. (US '164) as evidenced by Alberts et al., as well as the rejection of claims 1, 6 and 8 under 35 U.S.C. §102(b) as being anticipated by Imori et al. (JP '619) as evidenced by Harper et al.,

have been rendered moot in view of the claim amendments. That is, as indicated above, the subject matter of claim 10, which is not subject to either of these rejections, has been incorporated into amended claim 1.

The rejection of claims 1, 2, 6, 8 and 10 under 35 U.S.C. §103(a) as being unpatentable over Imori et al. in view Takamiya et al. (US '879), as well as the rejection of claim 7 under 35 U.S.C. §103(a) as being unpatentable over Imori et al. in view of Takamiya et al. and further in view of Nakashima et al. (US '501), are respectfully traversed.

The Examiner takes the position that Imori et al. disclose a polymer prepared by neutralizing an anionic polymer having a carboxyl group with a basic amino acid, and that there is motivation to use the fiber disclosed in Takamiya et al. or Nakashima et al. instead of such an anionic polymer.

Although Imori et al. disclose a polymer prepared by neutralizing an anionic polymer having a carboxyl group with a basic amino acid, this polymer is used for cosmetics, which are in the form of an aqueous solution as shown in the Examples. If a fiber-shaped polymer is used instead of the anionic polymer in Imori et al., the resulting products cannot be useful as cosmetics. Therefore, those skilled in the art would never have been motivated to combine the polymer of Imori et al. with the fiber disclosed in Takamiya et al. or Nakashima et al., since this would have rendered the Imori et al. invention unsatisfactory for its intended purpose. In this regard, if the modification proposed by the Examiner in the prior art would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification (MPEP 2143.01, Section V).

The Examiner also takes the position that the elution rate property defined in the present invention would have been expected for the composition of the polymer disclosed in Imori et al.

Applicants disagree. The anionic polymer having a carboxyl group disclosed in Imori et al. is an anionic **water-soluble** polymer (please see claim 1 and paragraph [0005]). When the polymer prepared by neutralizing the anionic water-soluble polymer with a basic amino acid contacts sweat, not only the basic amino acid but also the polymer itself will be eluted.

Therefore, the polymer of Imori et al. cannot exhibit the property of eluting an amino acid derivative. As a result, for the polymer of Imori et al., the eluting rates α and β cannot be calculated.


To elaborate, the purpose of Imori et al. is to prevent the occurrence of unpleasant smell caused from the mixture of a cystine derivative and a basic amino acid. In this reference, this purpose is achieved by firstly mixing a basic amino acid with an anionic water-soluble polymer having a carboxyl group in its molecule for neutralization, and then mixing a cystine derivative therewith. Please see paragraph [0005]. If the basic amino acid is eluted in Imori et al., the eluted basic amino acid will react with the cystine derivative, which leads to the occurrence of unpleasant smell. This would mean that the purpose of the invention of Imori et al. cannot be achieved. As such, eluting an amino acid derivative is not consistent with the purpose of the invention of Imori et al. Therefore, the elution rate property defined in the present invention would not have been expected from Imori et al. In this regard, Applicants again refer the Examiner to MPEP 2143.01, Section V.

For these reasons, Applicants take the position that the presently claimed invention is clearly patentable over the applied references.

Therefore, in view of the foregoing amendments and remarks, it is submitted that each of the grounds of objection and rejection set forth by the Examiner has been overcome, and that the application is in condition for allowance. Such allowance is solicited.

Respectfully submitted,

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